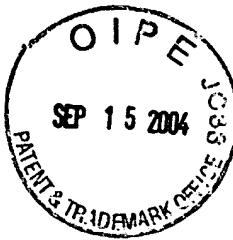


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of  
WAGGONER  
Serial No. 09/740,486  
Filed: December 19, 2000



Atty. Ref.: 4091-2

TC/A.U.: 1639

Examiner: Ponnaluri

For: CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF  
BIOLOGICAL AND OTHER MATERIALS BY LUMINESCENCE  
METHODS

\* \* \* \* \*

September 15, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Attached is an English translation of an Opposition Brief setting out the grounds for an opposition filed against German patent DE 39 12 046. This German patent claims benefit of U.S. patent application Serial No. 240,756 filed April 12, 1998, which is a continuation-in-part of Serial No. 06/854,347 filed April 18, 1986 from which the present application claims priority.

A formal notice of opposition was filed (in German) on June 25, 2004 and the attached English translation was received by a person designated in 37 C.F.R. §1.56(c) on September 1, 2004.

The opposition refers to an abstract by Salama, Waggoner and Abramson published in February of 1985 in the Biophysical Journal; it is already record in this application. Two additional documents are mentioned. One is a literature article by Barak et al in the Journal of Cell Biology (1981) and the other (in German) relates to dictionary definitions of polymethine dyes. Copies of these two citations are attached as is a completed PTO-1449. Claims 1, 40 and 41 of the opposed patent are set out on pages 2 and 3 of the attached translation of the Opposition Brief.

WAGGONER  
Serial No. 09/740,486  
September 15, 2004

Please take this information into account during your further examination of this application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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INFORMATION DISCLOSURE CITATION	ATTY. DOCKET NO. 4091-2	SERIAL NO. 09/740,486
SEP 15 2006		
APPLICANT WAGGONER		
(Use several sheets if necessary)		
FILING DATE December 19, 2000		
TC/A.U. 1639		

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

	English translation of an Opposition setting out the grounds for an opposition filed against German patent DE 39 12 046 .
	Römpps Chemie-Lexikon, 8 <sup>th</sup> edition, 1987, keyword "Polymethin-Farbstoffe" (polymethine dyes), as well as – for additional opinion reasons -- Römpps Chemie-Lexikon, version 2.0, 1999, printout keyword "Polymethin-Farbstoffe" (polymethine dyes).
	Larry S. Barak and Watt W. Webb: Fluorescent Low Density Lipoprotein for Observation of Dynamics of Individual Receptor Complexes on Cultured Human Fibroblasts; The Journal of Cell Biology, Vol. 90, September 1981, pages 595-604.

\*Examiner

### Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.